

Suzanne D. Case
3761 Round Top Drive
Honolulu, Hawai'i 96822

April 13, 2015

By email delivery:
senthielen@capitol.hawaii.gov

Hon. Laura H. Thielen
Chair, Senate Committee on Water and Land
State Capitol, Room 231
415 S. Beretania Street, Honolulu, Hawaii 96813

Re: Governor's Message No. 750, Nomination of Suzanne Case
Chairperson, Department of Land and Natural Resources

Dear Chair Thielen:

This letter is in response to your request for answers to questions regarding Governor's Message No. 750, relating to my nomination as Chairperson of the Board of Land and Natural Resources.

1. Please provide a list of the core State values that the Department of Land and Natural Resources (DLNR) is charged to protect.

The core State values that DLNR is directly charged with protecting are set forth in the Hawai'i Admissions Act, the Hawai'i State Constitution, the Hawai'i Revised Statutes and the mission statement and regulations of DLNR. Most relevant:

- The **Hawai'i Admissions Act** provides that the lands granted by the United States to Hawai'i at admission (and which are largely within DLNR's direct jurisdiction) are to be held by the State of Hawai'i in public trust for broad purposes.
- The **Hawai'i Constitution**, Article XI (Conservation Control and Development of Resources), Section 1 provides:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State. All public natural resources are held in trust by the State for the benefit of the people.

- **Hawai'i Revised Statutes Section 205(e)**, specifying the lands of Hawai'i to be included in the Conservation District administered by DLNR, outlines a variety of uses consistent with a "multiple use conservation concept", as follows:

(e) Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic and historic areas; providing park lands, wilderness, and beach reserves; conserving indigenous or endemic plants, fish, and wildlife, including those which are threatened or endangered; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; other related activities; and other permitted uses not detrimental to a multiple use conservation concept....

- The **mission statement of DLNR** is to “enhance, protect, conserve and manage Hawaii’s unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawai’i nei, and its visitors, in partnership with others from the public and private sectors.”

These base values, to conserve and protect Hawai’i’s natural resources, and to promote use consistent with conservation and in furtherance of Hawai’i’s self-sufficiency, are applied to a variety of core functions:

Aquatics
Boating and Recreation
Conservation and Coastal Lands
Bureau of Conveyances
Engineering
Conservation and Resource Enforcement
Forestry and Wildlife
Historic Preservation
State Lands
State Parks
State Water Resources, via the State Commission on Water Resource Management.

The core State value embraced in these governing principles is that the lands and waters of Hawai’i are held as a public trust and that the State, through DLNR, is operating as trustee of these lands and waters for the benefit of all people of Hawai’i present and future. Further, the mandate of the State, through DLNR, in administering the public and conservation district resources of Hawai’i is broad, to include all of Hawaii’s natural, cultural and historic resources. Finally, in discharging its responsibilities the State, through DLNR, is charged with accommodating multiple uses of its resources for multiple public purposes consistent with the basic public trust in protecting the resources for the public.

2. What is your assessment of the strengths and weaknesses of DLNR? Please include an explanation of how the strengths may be best utilized, as well as how the department/agency's weaknesses may be improved.

DLNR's strengths include the following:

- (a) A clear overarching constitutional and statutory mandate which allows for focus in its mission and for flexibility in its implementation through multiple uses of resources for multiple public needs where appropriate.
- (b) A kuleana of close to half the state's lands and most of its waters which again allows for flexibility in implementation of its mandate over multiple responsibilities.
- (c) A highly knowledgeable and committed workforce of nearly 900 with a depth and breadth of experience in discharging DLNR's mission.

On DLNR's weaknesses:

- (a) Few would disagree that DLNR has a huge and growing mission which is not fully resourced to optimum levels.
- (b) I believe it is best to reserve judgment on other potential weaknesses of DLNR and how they may best be addressed pending a more detailed orientation on the operations, budget, and goals of the agency, and discussion with staff of DLNR and with other stakeholders.

Pending that orientation and discussion, my current list of issues to understand and address on a priority basis includes:

- (1) how to accelerate filling of vacant positions with competent professionals committed to DLNR's mission, good governance, and inclusive processes;
- (2) identifying and improving areas of delay in delivery of critical public functions;
- (3) how to facilitate cross-collaboration and pool resources among the many DLNR divisions and with other agencies to increase understanding, communication, and efficiency, such as continuing and enhancing regular cross-functional meetings as well as talk story sessions around the islands with administrators and division staff;
- (4) how to ensure that our public processes include and welcome the variety of stakeholders with an interest in DLNR;
- (5) understanding the budget in depth and how best to ensure the responsible fiscal management of state finances under DLNR's jurisdiction.

3. Please explain the efficiencies you mean to bring to DLNR.

All of us in Hawai'i government operate with limited resources, and greater efficiency in the delivery of public services is one of several approaches which is unavoidable in these times. This is especially true at DLNR with its enormous kuleana and limited resources to fulfill its kuleana. Again, I believe it best to reserve judgment on specific areas in which DLNR can address this growing disparity until I better understand DLNR's own history, current

practices and options and have had the opportunity to work with Governor Ige and his cabinet and with the Legislature, public unions and others on the best approach not just for DLNR specifically but for all of Hawai'i government. In that context, though, a natural first step is to confirm the highest priority work of DLNR and assure that that is adequately and efficiently delivered, consistent with its constitutional and statutory mandates, governing labor agreements and other requirements.

4. What is your plan to help DLNR's many different divisions work more fluidly together, and would any particular divisions be an initial priority for you?

I am a strong believer in managing by walking and talking around and keeping an open door, so my overall initial priority to improve DLNR's workflow and efficiency is to reach out as broadly throughout DLNR and its constituencies as possible to listen to what its staff and communities recommend, and develop broadly-supported improvements. I also believe that cross-department administrator and staff meetings and broader staff inclusion can prevent silos from forming or continuing and bring the benefits of new and broader thinking and buy-in to DLNR's mission.

Again, on division priorities, I believe it best to reserve judgment at this time. However, based on what I now know, filling current vacancies in the positions of Administrator for Division of Aquatic Resources and Division of Conservation and Resource Enforcement, and supporting those divisions in organizational development under those new leaders, would be one such priority.

5. The announcement of your appointment included the following statement:

"Suzanne shares my vision of wise stewardship of Hawai'i's public and conservation lands and waters, for excellence in government to make the most of our limited resources, and for collaboration and inclusion in carrying out the many responsibilities of the DLNR and the State of Hawai'i for the benefit of all."

- **Please describe how you plan to incorporate collaboration and inclusion in DLNR's governance structure or processes.**
 - My practice has always been to have an open door policy. I invite, ask and welcome anyone with issues, comments or questions relevant to DLNR's mandate to talk story with me and other DLNR staff. My goal is to keep open lines of dialogue with all stakeholders. Good dialogue and respectful exchange in an atmosphere that allows all to have a voice will enhance the more formal processes our democracy provides to ensure we select the best paths forward based on sound information within the mandate of DLNR.
- **Please describe your experiences prior to your nomination where you dealt with any of the issues Department of Land and Natural Resources handles, and how you balanced the needs of the environment and residents in each of those experiences.**

- The Nature Conservancy works regularly with communities and resource users with a stake in management and use of Hawaii's forests, oceans and other natural resources. Our principal approach is not confrontational, but based on the principles that most all viewpoints and goals are legitimate and that most times a solution can be found that accommodates most viewpoints. We have demonstrated this by forging a number of conservation arrangements in which diverse groups such as landowners, all levels of government, businesses and diverse community groups were interested stakeholders and full participants.

Hawaii's near-shore fisheries have declined 75% in the past one hundred years. As the vast majority of our near-shore waters are open to fishing, and with ever increasing population and modern fishing gear and methods, the pressures on our fisheries have only increased, to the detriment of all, including responsible and traditional fishers. The Nature Conservancy has forged agreements with multiple stakeholders to accommodate what would otherwise sometimes be regarded as irreconcilable competing uses in order to assure sustainable use of our fisheries. At the Conservancy, we are working toward that by working with communities who have asked for our help to implement community-based marine management, much like the konohiki system. We all want more fish and seek ways to restore our fisheries for sustainable use. I believe it is possible to have both excellent, responsible management to maintain and return abundance to our fisheries, and to have plentiful access to sustainable fisheries throughout Hawai'i for both recreational and subsistence use.

In Hawai'i, we rely on healthy native forests for our water and for meaningful traditional and customary gathering rights. All want to protect our forests in the most important places. Hawai'i has already lost more than 50% of our native forests, and it is part of DLNR's responsibility to protect what remains of them. Yet a very small percentage of Hawaii's native forests, especially the most valuable and endangered forests, are protected from invasive species that destroy them. I believe there is room in Hawai'i for both protection of what remains of our native forest, and for accessible hunting, recreation and other uses. The Nature Conservancy has forged collaborations and taken steps to enhance hunter access to appropriate hunting areas by opening newly-fenced areas first to community hunters, hiring community hunters for our control efforts, installing step-over gates to enable easy access for hunters on foot to enter fenced units, and including one-way traps along fence lines to allow destructive invasive animals to exit the sensitive fenced areas and not re-enter.

6. According to your resume, The Nature Conservancy under your leadership has brought a collaborative solution-oriented approach to forest and marine conservation in Hawai'i.

- **Please describe some examples of how you have overseen this approach.**

- Supported development of public-private Watershed Partnerships throughout Hawai'i.
 - Supported many communities around Hawai'i who are working to restore their near-shore fisheries through community-based co-management with DLNR.
 - Supported development of Island Invasive Species Committees and the statewide Hawai'i Invasive Species Committee.
 - Supported the growth of the broad-based Hawai'i conservation community from a few dozen professionals in the late 1980s to thousands of private, government, community and student participants in the Hawai'i Conservation Alliance.
- **Please describe how you have handled situations where the approach has been unsuccessful [in] achieving consensus.**
 - Open and respectful dialogue, through facilitated forums where citizens can engage constructively, ensuring all voices are heard, and understanding the perspectives of others, is the fundamental basis of fair public processes. When consensus can't be achieved, the assigned decision-makers in the process must decide on the best path forward in light of their mandate, and explain their decision and move to implement it. Democracy and the rule of law provide a sometimes messy but important process to hear the issues and resolve often conflicting agendas. By applying the law, mandate and values to the facts in light of the situation, a principled and respectful path forward can be found, with the parties "agreeing to disagree" where consensus can't be achieved.
- 7. Provide a description of any volunteer activities, especially those pertinent to the mission of the Department of Land and Natural Resources, including any service on boards or other positions in organizations, or other community service projects or activities. Please include your time commitment.**

Pertinent to DLNR's mission:

- 'Ike 'Āina Native Hawaiian Land Trust, Board of Directors, 2001 – 07, monthly to quarterly meetings.
- UH College of Tropical Agriculture (CTAHR) Advisory Council, 2013-present, quarterly meetings.
- Governor's Economic Momentum Council, 2006 – significant time, one year.
- Roadside maintenance and cleanup, Tantalus Community Association, including areas adjacent to Pu'u Ualaka'a State Park, 2001 – present, average ~5-10 hours/month.

Other:

- Social Science Association, 2008 – present; Recording Secretary 2011-present; 1 meeting/month.
- Pacific Club Budget & Finance Committee 2006 – 08; Board of Governors 2012-2014; Secretary 2013; 1-2 meetings/month.

8. Over the past twenty-eight years you have worked for The Nature Conservancy.

- **Please describe your management experience during this period, including:**
 - **A list of projects in which you were the lead manager,**
 - **The size of any project budget you directly managed, and**
 - **The number of personnel subject to your supervision.**

1987 to 1991: lead attorney for The Nature Conservancy for land protection and stewardship projects in Hawai'i, California, Idaho, Colorado, Nevada, Utah, and Wyoming.

1991 – 2001: lead attorney for The Nature Conservancy for land protection and stewardship projects in Hawai'i and California, and for establishment of conservation programs in Palau, Pohnpei, Indonesia, Solomon Islands, Papua New Guinea, and China, as well as Palmyra Atoll.

2002 – present: Hawai'i State Director for The Nature Conservancy, overseeing a budget of ~\$11mm and a staff of 76+. I supervise staff directly including directors of Forest Conservation, Forest Science, Marine Conservation, Marine Science, External Affairs/Government Relations, Internal Affairs/Finance-HR-IT-Office Management, Fundraising, and Land Protection.

9. Are there any situations where you can foresee recusing yourself from a decision as the Chair of DLNR on the grounds that you have, or there is an appearance of, a bias or favoritism?

- **For each such situation, please describe how you would handle the matter.**

My professional background and activities in the conservation non-profit sector have been and are consistent with the mission of DLNR. Personally, both I and members of my extended family own land that is in the conservation district. If and when any matter comes before me where there is a potential conflict of interest or an appearance of a conflict of interest, I will first disclose the relationship that may give rise to a conflict, then seek counsel from the Attorney General, and recuse myself as and when advised as required by the Hawai'i Code of Ethics and best practices.

10. Is there any other information regarding your experience and background that you believe should be considered by the committee?

I was born in Hilo and come from a large family that has lived in Hawai'i for five generations. I grew up on Hawai'i Island until age 10, then moved to Honolulu for the rest of my childhood. From my parents I gained a deep, abiding love of our 'āina, including our forests and ocean and everything in between. We went swimming, snorkeling, hiking, and exploring all the time all over the islands. My father taught me to spear fish using a

Hawaiian sling he made of bamboo, surgical tubing, cord and electricians' tape, and a hand-made single spear that was always right for my height. I speared my first fish, a *weke* (goatfish), and cleaned it and ate it, at age 8. Though I don't spear now, I learned the importance of only catching what you can eat. Throughout my childhood I went hiking, camping, boating and diving all over the islands of Hawai'i, in our national parks and state parks and coastal areas. These experiences gave me a profound appreciation for, and deep attachment to, our native forests and reefs as well as our people who respectfully use and enjoy them.

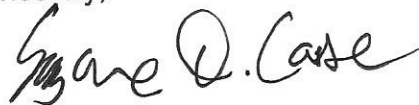
From my years at Waiakea-Kai and Keaukaha Elementary Schools in Hilo and Punahou School in Honolulu, and throughout my education and life, I developed a deep appreciation for our diverse culture and our Hawaiian heritage. My college major in History reflects my passion for learning where we come from to better understand where we are and ensure we reflect the past as we determine where we are going. My twenty-plus years on the Mainland finishing law school, practicing real estate law and then conservation law all over the western United States, Hawai'i and the Asia-Pacific region gave me broad exposure to many different geographies, cultures and people, as well as a collaborative approach to finding solutions.

I believe there is enough room in Hawai'i for the resources DLNR manages to sustain the many and varied uses people want, from recreation, to traditional and customary gathering, to subsistence fishing and hunting, to conservation of our native forests for cultural uses and as our source of fresh water, and for compatible commercial uses.

I look forward to the opportunity to bring my experiences to best implement the mission of DLNR. I would add only that I believe my personal and professional knowledge and experience qualify me for this very serious responsibility and that, if confirmed, I will do my very best to fulfill the core State values entrusted in DLNR.

I understand that responses to this letter will be a public document, and as such will be available to the public for review. This response to questionnaire is being submitted as my testimony.

Sincerely,

A handwritten signature in black ink that reads "Suzanne D. Case". The signature is written in a cursive, flowing style.

Suzanne D. Case



Suzanne Case
Executive Director, Hawai'i Program
The Nature Conservancy
923 Nu'uuanu Ave.
Honolulu, Hawai'i 96817
ph. (808)587-6201
fax (808)545-2019
email scase@tnc.org



A 28-year veteran of The Nature Conservancy, **Suzanne Case** has served as **Executive Director** of **[The Nature Conservancy of Hawai'i](#)** since 2001. She oversees a Hawai'i program of 76 staff, 16 preserves totaling 53,000 acres, and an annual operating budget of \$11 million, working in native forest, coastal and marine conservation, directly and through partnerships, on six main Hawaiian Islands. She also oversees **[Palmyra Atoll nature preserve and research station](#)** in the Pacific, a globally acclaimed conservation and research collaboration of The Nature Conservancy, the U.S. Fish and Wildlife Service, and the Palmyra Atoll Research Consortium.

From 1987 to 2002, Case served as TNC Legal Counsel for the Conservancy's Hawai'i Program, the western United States, and internationally in the Asia/Pacific Region. During her years at The Nature Conservancy she has overseen the acquisition of the 116,000-acre Kahuku Ranch addition to Hawai'i Volcanoes National Park, eight Hawai'i Nature Conservancy preserves, Palmyra Atoll, new National Wildlife Refuges at Hakalau on the slopes of Mauna Kea and at O'ahu Forest, as well as the creation of watershed partnerships for forested management throughout the state, the growth of networks of local communities working to restore their near-shore marine resources, and implementation of large-scale projects to remove invasive algae removal from our reefs and coastal areas. She co-created “*Ke Ho'olono Nei*”, a Hawaiian song about loss and stewardship of native Hawaiian forest birds, and *Maoli Nō*, a free educational DVD of Hawaiian songs, chants and stories developed by The Nature Conservancy in 2003 for the Year of the Hawaiian Forest on the 100th anniversary of the creation of the Hawai'i forest reserve system.

Case was born in Hilo and grew up in Hilo and Honolulu. She attended Waiakea-Kai Elementary School, Keaukaha Elementary School and Punahou School (1974, where she was the first female student body president). She attended Williams College and Stanford University, where she graduated with honors (B.A., History, 1979). She received her law degree from Hastings College of the Law, University of California, San Francisco, where she was a member of the Hastings Law Journal (1983). She practiced real estate transactions law at the law firm of Pettit & Martin in San Francisco from 1983 to 1987.

Recognitions and Affiliations:

Ho'okele Non-Profit Leadership Award, Hawai'i Community Foundation & W. A. Gerbode Foundation, 2014
The Garden Club of Honolulu *Hui Māla* Award, 2009; *Distinguished Friend* 2012
YWCA Leader Honoree, 2009
Member, Social Science Association, Hawai'i
Member, Lambda Alpha International real estate society
Member, Advisory Council, University of Hawai'i College of Tropical Agriculture & Human Resources
Governor's Economic Momentum Commission, 2006

The Nature Conservancy's mission is to conserve the lands and waters upon which all life depends. Since the Hawai'i program's establishment in 1980, The Nature Conservancy has brought its science-based, on-the-ground, collaborative and solution-oriented approach to forest and marine conservation throughout Hawai'i. The Nature Conservancy has helped protect more than 200,000 acres of land throughout the state, owns and manages 16 preserves totaling 53,000 acres, and supports the forest stewardship work of Hawaii's watershed partnerships. The Nature Conservancy works with over a dozen local communities and other partners to protect the reefs and near-shore waters of the main Hawaiian Islands.